

ENTERED

February 13, 2025

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

SHALAETHA § CIVIL ACTION NO
PRESTON-CAVER and § 4:24-cv-04850
QUINTON CAVER, §
Plaintiffs, §
§
§
vs. § JUDGE CHARLES ESKRIDGE
§
§
PRESTIGE DEFAULT §
SERVICES LLC, *et al*, §
Defendants. §

**ORDER ADOPTING
MEMORANDUM AND RECOMMENDATION**

Plaintiffs Shalaetha Preston-Caver and Quinton Caver, both *pro se* litigants, filed an application for an *ex parte* temporary restraining order and preliminary injunction. Dkt 6. The application sought to enjoin a foreclosure and eviction. Id at 1. This matter was referred to Magistrate Judge Richard W. Bennett. He ordered Defendants Prestige Default Services, LLC, US Bank Trust NA, and SN Servicing Corporation to file a response. Dkt 8. They did so on January 10, 2025. Dkt 12.

A hearing was held on January 13, 2025, to consider Plaintiffs' application. See Dkt 16 (minute entry). Judge Bennett denied Plaintiffs' application on the record. A Memorandum and Recommendation capturing the reasoning for the denial followed. Dkt 17. It recommends that the application be denied on jurisdictional grounds. Id at 1, 4. Specifically, Judge Bennett found that the Anti-Injunction Act bars federal courts from interfering with the state court's foreclosure proceedings and that no exception to this general prohibition applies. Id at 4–7. He also

continued further as to the requested injunctive relief, finding no substantial likelihood of success on the merits and no substantial threat of irreparable injury. *Id* at 7–12,

The district court reviews *de novo* those conclusions of a magistrate judge to which a party has specifically objected. See FRCP 72(b)(3) & 28 USC §636(b)(1)(C); see also *United States v Wilson*, 864 F2d 1219, 1221 (5th Cir 1989, *per curiam*). The district court may accept any other portions to which there's no objection if satisfied that no clear error appears on the face of the record. See *Guillory v PPG Industries Inc*, 434 F3d 303, 308 (5th Cir 2005), citing *Douglass v United Services Automobile Association*, 79 F3d 1415, 1430 (5th Cir 1996, *en banc*); see also FRCP 72(b) advisory committee note (1983).

None of the parties filed objections. No clear error otherwise appears upon review and consideration of the Memorandum and Recommendation, the record, and the applicable law.

The Memorandum and Recommendation of the Magistrate Judge is ADOPTED as the Memorandum and Order of this Court. Dkt 17.

The application by Plaintiffs for *ex parte* temporary restraining order and preliminary injunction is DENIED. Dkt 6.

Defendants are ORDERED to promptly seek any relief believed available in good faith, including by way of dispositive motion.

SO ORDERED.

Signed on February 13, 2025, at Houston, Texas.



Hon. Charles Eskridge
United States District Judge